



**UNITED STATES DEPARTMENT OF COMMERCE  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/909,966	08/12/97	HIGUCHI	862.1922

NC

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FITZPATRICK CELLA HARPER & SCINTO  
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EXAMINER

TRAN, D

ART UNIT PAPER NUMBER

2724

DATE MAILED: 02/17/99

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
**08/909,966**

Applicant(s)  
**Yuichi Higuchi**

Examiner  
**Douglas Q. Tran**

Group Art Unit  
**2724**

☐ Responsive to communication(s) filed on \_\_\_\_\_.

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 1 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-50 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☐ Claim(s) \_\_\_\_\_ is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☒ Claims 1-50 are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

*Election/Restriction*

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I) Claims 1-5, 10-14, and 19 are drawn to a printing apparatus, methods and program for printing data corresponding to a print job from a host apparatus characterized by informing a power-off notice to a host apparatus when a power supply is scheduled to be turned off. These claims correspond to Figs. 2-6 (applicant's first embodiment);

II) Claims 6-9, 15-18 and 20 are drawn to a printing apparatus, methods and program for printing data corresponding to a print job from a host apparatus characterized by informing a host apparatus, when the power supply is turned on, of supplying information of an incomplete print job on basis of the print job condition stored by a storage means. These claims correspond to Figs. 7-10 (applicant's second embodiment);

III) Claims 21-37 are drawn to a printing apparatus, methods and program for printing data corresponding to a print job from a host apparatus characterized by informing the host apparatus of the change in remaining paper quantity when the change in remaining paper quantity is determined. These claims correspond to Figs. 11-16 (applicant's third embodiment);

IV) Claims 38-50 are drawn to a printing apparatus, methods and program for printing data corresponding to a print job from a host apparatus characterized by informing the host apparatus of a item of the condition change item determined to correspond to the stored item

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by a discrimination means. These claims correspond to Figs. 17-23 (applicant's third embodiment).

2. The inventions are distinct, each from the other because of the following reasons:

Inventions I-IV are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if at least one subcombination is separately usable. In the instant case, each invention has separate utility such as operating either independently or in combination with other subcombinations according to the particular claimed limitations which characterize the invention, without requiring the particular limitations which characterize the other invention(s), as indicated above. See M.P.E.P. § 806.05(d).

Because these inventions are distinct for the reasons given above and have acquired a separate consideration and search, restriction for examination purposes as indicated is proper.

Should applicant traverse on the ground that the subcombinations are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the subcombinations to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

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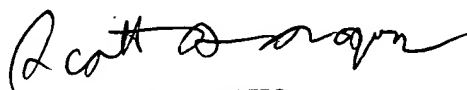
*Conclusion*

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas Q. Tran whose telephone number is (703) 305-4857 or e-mail address is Douglas.tran@uspto.gov.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Douglas Q. Tran

Feb. 14, 1999

  
SCOTT ROGERS  
PRIMARY EXAMINER